IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8 of 2005

Between:

Mr. Mahaboob S/o Shahajinowal
c/o Delhi Road Carriers R/o Alampur, P.O.Bhoj, Faridabad.

..... PETITIONER

AND

1 The Station House Officer, IDA. Bollaram P.S., Medak District.
2 Bharat Roadways, having its Head Office at 16, Tarachand Dutt

Street, Calcutta, and Branch office at Plot No.21
Block No.35, Auto Nagar, Hyderabad , rep.by its Ravi Agarwal S/o

Nandal Agarwal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate order writ or direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.1 in illegally detaining the vehicle bearing Reg.No.HR-38-K-2686 without there being the involvement of the vehicle in any offence, as illegal, arbitrary, unconstitutional and consequently direct the 1st respondent herein to forthwith release the same in favour of the petitioner and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.PRAKASH CHAKRAVARTHY

Counsel for Respondent No.1: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home.

In this writ petition, the petitioner challenges the action of the first respondent in detaining his vehicle bearing No. HR-38-K 2686.

The grievance of the petitioner is that the first respondent neither produced the vehicle before the Magistrate concerned nor chosen to release the same in his favour. On a private complaint filed by the second respondent, the learned Judicial Magistrate of First Class, Narsapur referred the same to the first respondent, who investigated into the same and registered a case in Crime No.51 of 2000 and during the course of investigation, he detained the vehicle referred to above, which was alleged to have been used in the commission of the offence. Therefore, the proper remedy for the petitioner is to approach the criminal Court concerned and file an application under Section 451 Cr.P.C. In view of the effective alternative remedy available to the petitioner, the writ petition cannot be maintained.

Hence, the writ petition is dismissed leaving it open to the petitioner to approach the criminal Court concerned and move an application for release of his vehicle.

05.01.2005

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To

1 The Station House Officer, IDA. Bollaram P.S., Medak District.
2 Two CCs. to the Government Pleader for Home, High Court of A.P.,

Hyderabad (OUT).

3 The Judicial Magistrate of I Class, Narsapur

4 Two CD copies.